

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

BRENDA LINER,

Case No. 10-14431

Plaintiff,

SENIOR UNITED STATES
DISTRICT JUDGE
ARTHUR J. TARNOW

v.

MOTOR CITY CASINO ET AL.,

Defendants.

**ORDER DENYING DEFENDANT MOTOR CITY CASINO'S
MOTION TO DISMISS [4]**

Before the Court is Defendant Motor City Casino's ("MCC") Motion to Dismiss [4], filed on December 1, 2010. Plaintiff, who is proceeding without counsel, filed a timely Response [5] by letter on December 8, 2010. No Reply was filed by Defendant MCC.

Defendant MCC brings its Motion seeking dismissal for insufficient service of process.¹ Fed. R. Civ. P. 4(c), 12(b)(5). Rule 4(c) requires a summons to be served with a copy of the complaint. Fed. R. Civ. P. 4(c). Rule 4(m) provides that "if the plaintiff shows good cause for . . . failure [to properly serve defendant], the court must extend the time for service for an appropriate period." Fed. R. Civ. P. 4(m). The Advisory Committee Notes also provide that a court is authorized to protect a plaintiff against dismissal even in the absence of a showing of good cause. Fed. R. Civ. P. 4(m) advisory committee's notes.

Defendant argues that Plaintiff's failure to serve it with a copy of the Complaint is

¹Defendant requests oral argument on this motion. The Court finds that oral argument is unnecessary.

grounds for dismissal. Def.'s Br. [4], at 2. Defendant also argues that Plaintiff's attempt to serve the documents personally violates Federal Rule of Civil Procedure 4(c)(2), which requires service of pleadings by someone other than a party to the action. *Id.*

Plaintiff admits that she failed to include a copy of the Complaint. Pl.'s Resp. [5], at 1. Plaintiff argues that she made a good faith effort in complying with the Federal Rules of Civil Procedure and the rules of this Court. The Court agrees. Plaintiff is proceeding without counsel. Plaintiff appears to have made her best efforts to comply with the Rule. The Court finds that good cause is shown.

Accordingly,

IT IS ORDERED that Defendant Motor City Casino's Motion to Dismiss [4] is **DENIED**.

IT IS FURTHER ORDERED that Plaintiff's time to effect proper service of process on Defendant Motor City Casino is extended. Plaintiff shall properly serve Defendant Motor City Casino by **May 3, 2010**.

SO ORDERED.

S/ARTHUR J. TARNOW

Arthur J. Tarnow
Senior United States District Judge

Dated: April 20, 2011

I hereby certify that a copy of the foregoing document was served upon counsel of record on April 20, 2011, by electronic and/or ordinary mail.

S/MICHAEL L. WILLIAMS

Relief Case Manager